HONOURABLE SRI JUSTICE J.CHELAMESWAR
And
HONOURABLE SRI JUSTICE D.APPARAO

TUESDAY, TWENTY SEVENTH DAY OF JUNE TWO THOUSAND SIX

WRIT PETITION No.12049 of 2006

Between:

M/s.Edessary Wines, Kachiguda. .. Petitioner

And

1. The Additional Commissioner of Commercial Taxes (Legal), Hyderabad and two others. ..Respondents

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ORDER: (Per Hon'ble Sri JC, J)**:**

Aggrieved by the decision of the Additional Commissioner of Commercial Taxes (Legal), 1st respondent herein, dated 11-05-2006 in rejecting the stay application of the petitioner seeking stay of the collection of the tax for the assessment year 1993-94, the present writ petition is filed.

2. It is stated by the learned counsel for the petitioner that in the appeal i.e., pending before the appellate Tribunal, the substantial question of law dealing with interpretation of Section 5 of the A.P.G.S.T. Act, 1957 is involved. It is further stated by the learned counsel for the petitioner that more than 50% of the tax demanded has already been paid by the petitioner.

4. Heard the learned Government Pleader for Commercial Taxes.

5. In the circumstances, we do not see any reason to keep the writ petition pending. Hence, the writ petition is disposed of directing the respondents not to collect the tax pursuant to the order of the 2nd respondent dated 06-01-1999, pertaining to the assessment year 1993-94. The amount already paid shall be adjusted towards the arrears of tax. If the appellate authority finds that any excessive amount has been paid by the petitioner, the same shall be refunded to the petitioner.

6. Accordingly, the Writ Petition is disposed of with the aforementioned direction, at the admission stage. No costs.

(J.CHELAMESWAR, J)

(D.APPARAO, J)

June 27, 2006.

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